

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-512X

SIERRA PACIFIC INDUSTRIES-ABANDONMENT EXEMPTION-
IN AMADOR COUNTY, CA

STB Docket No. AB-880X

SIERRAPINE-DISCONTINUANCE EXEMPTION-IN AMADOR COUNTY, CA

Decided: May 13, 2005

By decision served on February 25, 2005, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Sierra Pacific Industries, Inc. (SPI) of a line of railroad extending from milepost 0.0 at Ione to milepost 12.0 at Martell, in Amador County, CA, and the discontinuance of service over the line by SierraPine (SPI and SierraPine will collectively be referred to as Railroads). The Board made the exemptions subject to public use, trail use, and environmental conditions. The exemptions were scheduled to become effective on March 27, 2005, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c) was filed by March 7, 2005, 10 days after the February 25 decision's service date.

On February 28, 2005, Martell Industrial Center, LLC (MIC) filed a petition to toll the 10-day period for submitting an OFA until 60 days after the Railroads provided it with information it requested to formulate its OFA. In a decision served March 11, 2005, the Board granted MIC's petition in part. The Board made MIC's OFA due 45 days after the Railroads provided MIC with the requested information and postponed the effective date of the abandonment and discontinuance exemptions until 10 days after the OFA due date.

By petition filed on May 4, 2005, the Railroads request that the Board make the exemptions effective immediately, subject to the conditions imposed in the February 25 decision. The Railroads state that they have recently entered into a settlement agreement with MIC, and that MIC has agreed to waive its right to file an OFA. The Railroads include with their petition a notice from MIC. In this notice, MIC waives its right to file an OFA and states that it does not object to the Railroads' petition.

The Railroads' petition will be granted. Accordingly, the OFA process is now terminated, the March 11 decision is vacated, and the prior abandonment and discontinuance authorization will be effective on the service date of this decision, subject to the conditions the Board imposed in its February 25 decision.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. These proceedings are reopened.
2. The Railroads' request to make the exemptions effective immediately is granted and the financial assistance process in these proceedings is terminated.
3. The decision served on March 11 in these proceedings is vacated.
4. The exemptions will become effective on the service date of this decision, subject to the previously imposed conditions.
5. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary